

**Courtroom 20: Hon. Matthew P. Guasco, Judge of the Superior Court**

***Trial Rules and Procedures***

**1. Trial Briefs & In Limine Motions:** All trial briefs and *in limine* motions shall be served on all parties and filed with the courtroom judicial assistant by no later than the date of the trial call, or otherwise at the direction of the Court. Service shall be either by personal service or by email service with pdf attachment.

*In limine* motions shall be limited to those necessary to resolve evidentiary or other legal issues before the selection of the jury. Each *in limine* motion shall not exceed five (5) pages. The Court expects that each side shall file no more than five (5) *in limine* motions, but no party may file more than ten (10) *in limine* motions without leave of the Court to do so.

Oppositions to *in limine* motions shall be served on all parties and filed with the courtroom judicial assistant by no later than the date of the trial call or the morning of the first day of trial, whichever is sooner, or otherwise at the direction of the Court. Service shall be either by personal service or by email service with pdf attachment.

**2. Jury Questionnaires:** If either party requests the use of a jury questionnaire, the requesting party(ies) shall serve and file a joint proposed jury questionnaire (including all written instructions to jurors) by the date of the trial call or the morning of the first day of trial, whichever is sooner, or otherwise by leave of the Court. Service shall be by personal service or email service with pdf attachment. The parties should specify whether they are requesting that jurors fill out written questionnaires in their own handwriting during jury selection, or whether the questionnaire is a list of questions to be asked by the Court during jury selection. The difference affects the consumption of time and logistics involved in jury selection. The parties must agree on which party will assume the responsibility of preparing and copying the questionnaires, otherwise the Court will appoint a party to do so. The Court will not prepare or copy questionnaires (except the Court's standard written questionnaire). Any questionnaires (including at least 80 copies of same) shall be present in Court before jury selection starts. Additional copies of the questionnaire shall be provided by the party appointed by agreement of the parties or order of the Court. If jurors fill out questionnaires (as opposed to questions being asked by the judge during *voir dire*), then the party appointed to copy questionnaires will also be the party providing copies of the completed questionnaires to all other parties, with the originals being provided to the Court. Failure to follow these procedures may result in the waiver of the use of juror questionnaires.

**3. Jury Fees:** All jury fees must be posted as required by the Code of Civil Procedure, the California Rules of Court, and the Ventura Superior Court Local Rules.

**4. Jury or Court Trial:** When the case is called out to trial, the parties must confirm with the judicial secretary immediately whether the case will be a jury trial or whether all parties waive jury. Any waiver of jury after the timely posting of jury fees shall be confirmed on the record on the first day of trial.

**5. Time Estimate:** Please confirm with the Court the reasonable time estimate for the trial, including jury selection and deliberations, upon receiving notice the case is being called out for trial.

**6. Court Reporter:** Please confirm that arrangements have been made for a court reporter upon receiving notice the case is being called out for trial. It is the parties' sole responsibility to hire and pay for a court reporter. If the parties waive a court reporter, the parties are advised that any challenge to the sufficiency of the evidence to support the verdict or any ruling by the Court will be deemed waived on appeal. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132.) Accordingly, the Court strongly encourages the parties' retention of a court reporter for *in limine* hearings, jury selection, and all trial proceedings, including but not limited to the rendering of a verdict and any post-trial motions. The Court requests that the court reporter retained by the parties have Realtime® capability as of the beginning of opening statements. The court reporter may charge an additional fee for this service, but the Court finds it helpful in ruling on evidentiary objections during trial. **Indigent parties who have received a fee waiver are entitled to a court reporter without charge upon timely written request in conformity with the Ventura Superior Court's Administrative Order No. 18.06, which is available in the clerk's office and the court's website: <http://www.ventura.courts.ca.gov/>.**

**7. Emails:** Judge Guasco does not accept emails directly from any of the parties. Instead, if Judge Guasco invites or approves an email from the parties, any such email shall be sent to the following email address: Courtroom20@ventura.courts.ca.gov (attn.: Miriam Hernandez or Denise Arreola) or otherwise at the direction of the Court.

**8. Exhibits:** All exhibits shall be exchanged and pre-marked before the start of jury selection. To the extent that the parties' exhibits duplicate each other, the parties shall agree on a master set of exhibits with plaintiff assigned a range of numbers beginning with the number "1," and additional plaintiffs with subsequent number ranges consecutively thereafter, proceeding to each of the defendants being assigned consecutive number ranges thereafter. Each distinct exhibit shall have only one number (i.e., no one exhibit shall have more than a single exhibit number designation).

The parties shall exchange exhibit and witness lists as required by the Code of Civil Procedure, the Rules of Court, and the local rules, unless otherwise ordered by the Court.

**9. Mini Opening Statements:** Any request for "mini opening" statements during jury selection shall be made to the Court on the first day of trial. (Code of Civ. Proc., § 222.5, subd. (d).) The mini opening statements shall be neutral, non-argumentative descriptions of each party's claims and/or defenses, and they may include a general overview of the facts of the case. The mini opening statements shall not exceed two (2) minutes per party. The Court shall admonish the prospective jurors that: (a) the mini opening statements are not evidence; (b) they are provided only to permit the jurors to better understand the nature of the case and of the questions they may be asked in *voir dire*; (c) they are provided to permit the jurors to determine if they have any life experiences, opinions, or biases that may prevent them from objectively, fairly, and impartially hearing the evidence and rendering a verdict in the type of case described; and (d) the jurors are not to form any prejudgments, biases, or assumptions about the case or the evidence from the mini opening statements.

**10. Jury Instructions:** Counsel shall meet and confer for the purpose of submitting a joint set of agreed-upon jury instructions and verdict forms to the Court by no later than the first day of trial or otherwise at the direction of the Court. To the extent possible, the instructions and verdict forms shall be those approved by CACI. A party or parties shall be appointed by mutual agreement of the parties or order of the Court to prepare an initial and final set of CACI pattern

instructions and verdict forms. The Court does not encourage special jury instructions or verdict forms which vary from the CACI forms. To the extent that special instructions are essential to correctly instruct the jury, the party requesting a special instruction approved by the Court shall be responsible for preparing and submitting the initial and final versions of any such special instructions.

**11. Audio/Visual:** Parties are responsible for their own audio/visual needs in the course of their presentations. The Court will not provide any technical support to any party. Any party showing a PowerPoint or similar projection presentation to the jury in opening statements or closing arguments shall provide a printed hard copy of the slides to counsel and the clerk not later than 15 minutes before the presentation. The clerk shall mark the slide presentation as a Court's special exhibit for purposes of appellate review. All slide presentations shall adhere to the Court's *in limine* and other rulings, the evidence, and the law. Any objections to slides proposed to be shown to the jury shall be addressed to the Court outside the presence of the jury.

**12. Jury Selection:** The Court uses a "six-pack" jury selection process. The six additional prospective jurors will be seated in chairs in front of the jury box and be numbered from "13" on the far left to "18" on the far right.

*Challenges for cause* are made either at bench or at breaks outside the presence of the jury. The Court will make a record of all challenges for cause and rulings thereon. Once the Court has ruled on all challenges for cause, the parties have passed the remaining prospective jurors for cause, and there are 12 jurors in the box, the Court will proceed to the exercise of peremptory challenges.

*Peremptory challenges* are to be exercised only as to the 12 prospective jurors seated in the box. For each prospective juror in the box removed by the exercise of a peremptory challenge, one prospective juror from the six-pack will be selected as a replacement, starting with number 13 and working up to number 18, before proceeding to the exercise of the next peremptory challenge. New prospective jurors are called up in a group of seven (7) once all of the six (6) prospective jurors in front of the box are gone and there are 11 prospective jurors in the box. Each of the seven (7) new prospective jurors will be seated beginning with the empty seat in the box, and then in seats 13-18 in front of the box.

*Acceptance of Panel and Selection of Alternate Jurors:* When all parties "pass" on the exercise of peremptory challenges as to the 12 prospective jurors in the box, the parties will be deemed to have accepted the panel. The clerk will swear the 12 jurors, and the Court will proceed to the selection of alternate jurors. Prospective alternate jurors will be seated according to the next prospective juror available in the six pack by lowest number first (starting with 13 and working up to 18). Each party will have a maximum of one (1) peremptory challenge for each prospective alternate juror (e.g., 1 alternate = each party has 1 peremptory challenge as to the alternate; 2 alternates = each party has 2 peremptory challenges as to the alternates).

**13. Bench Conferences:** The Court discourages bench conferences except by invitation of the Court. The parties should attempt in good faith and with due diligence to address any and all anticipated evidentiary or legal issues affecting the presentation of the evidence *in limine*. Bench conferences are not reported. The Court will make a record of any bench conference at the next available opportunity (typically at breaks).

**14. Telephone Calls:** Any telephone calls to the Court concerning scheduling issues must be directed to Judge Guasco's judicial secretary, Denise Arreola, at (805) 289-8807. The Court will not receive or consider *ex parte* communications from any party or attorney.

**15. Trial Schedule:** Tuesday – Friday, 10:00 a.m. – 12:00 p.m., 1:30 p.m. – 4:00 p.m. One, 10 minute break in the morning, and one, 15 minute break in the afternoon. The Court expects the parties, their attorneys, their witnesses, and the court reporter to be on time.

**16. Entry of Judgment:** The Court will direct the prevailing party(ies) to serve and file a proposed judgment(s) consistent with the jury's verdict(s) and in conformity with the Rules of Court and the Code of Civil Procedure.